

RECEIVED

AUG 15 2013

S0270093  
cc: Peter  
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**United States Department of the Interior**

**DIV. OF OIL, GAS & MINING**

**BUREAU OF LAND MANAGEMENT**  
Fillmore Field Office  
95 East 500 North  
Fillmore, UT 84631

<http://www.blm.gov/ut/st/en/fo/fillmore.html>



IN REPLY REFER TO:  
3809 (UTW02000)  
UTU-78293

August 12, 2013

CERTIFIED MAIL #7013 0600 0001 7756 3824  
RETURN RECEIPT REQUESTED

**DECISION**

Mr. David L. Penney	:	
Penney Gemstones	:	43 CFR 3809 - Surface Management
P.O. Box 312	:	Notice
Beaver, Utah 84713	:	

**Notice Expired and Case Closed**

Your Notice for minerals exploration in the Lawson Cove area of Millard County, Utah expired on January 20, 2005. The Notice on Bureau of Land Management (BLM) land was located in aliquot parts of Township 25 South, Range 15 West, Salt Lake Meridian. The activity proposed for the expired Notice was not completed. The Notice had been assigned Bureau of Land Management (BLM) case file number UTU-78293. Please refer to this number in any future communication concerning the Notice. The Utah Division of Oil, Gas and Mining file number is S/027/0093.

Under authority of 43 CFR § 3809.300(d), no operations may be conducted under an expired Notice, and for continuation, a new Notice or Plan of Operations proposal must be submitted. Since no surface disturbances were created on BLM land under this Notice, this case file, UTU-78293, will be closed.

Return of Financial Guarantee - A financial guarantee in the amount of \$1,800.00 is currently being held by the BLM for UTU-78293, which corresponds to Utah Division of Oil, Gas, and Mining (UDOGM) project S/027/0093. A copy of this letter will serve as notification to the Utah State Office, BLM, 440 West 200 South, Suite 500, Salt Lake City, Utah 84101-1345 to remove the obligation from UTU-78293 and to return your financial guarantee to you.



Please contact Opie Abeyta, Land Law Examiner of the BLM Utah State Office, at 801-539-4123 for further information on the adjudication of financial guarantee.

This decision does not constitute the certification of ownership to any entity named in the notice, the recognition of the validity of any associated mining claims, or the recognition of the economic feasibility of the proposed operations.

Appeal of the Decision for Closure - If you do not agree and are adversely affected by this decision, in accordance with 43 CFR § 3809.804, you may request that the Utah BLM State Director review this decision. If you request a State Director review, the request must be received in the Utah BLM State Office, 440 West 200 South, Suite 500, Salt Lake City, Utah 84101-1345, no later than 30 calendar days after you receive this decision. A copy of the request must also be sent to this office. The request must be in accordance with the provisions provided in 43 CFR § 3809.805. If a State Director review is requested, this decision will remain in effect while the State Director review is pending, unless a stay is granted by the State Director. Standards for obtaining a stay are given below. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

If the State Director does not make a decision concerning your request for review of this decision within 21 days of BLM's receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You may contact the Utah BLM State Office to determine when BLM receives the request for State Director Review. You have 30 days from the end of the 21 day period in which to file your notice of appeal with the IBLA (see procedures below). If you wish to bypass a State Director review, this decision may be appealed directly to the IBLA in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in the FFO at, 95 East 500 North, Fillmore, Utah 84631 within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulations 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the IBLA, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of this notice of appeal and petition for a stay must also be submitted to each party named in the decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.



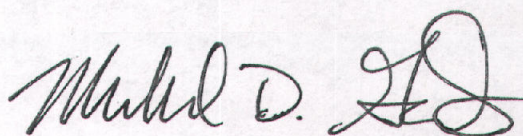
Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

If you have any questions about this case file and Notice, please contact Duane Bays at 435-743-3115.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael D. Gates", followed by a stylized flourish or set of initials.

Michael D. Gates  
Field Manager

Enclosure: Form 1842-1

cc:

Paul Baker

UDOGM

1594 W North Temple Ste 1210

Salt Lake City, UT 84114

Opie Abeyta (UT-923)

Utah State Office/ BLM

PO Box 45155

Salt Lake City, UT 84145-0155